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c 291 Forest Fires Prevention Act

Ontario

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CHAPTER 291.

The Forest Fires Prevention Act.

Interpretation. **1.** In this Act,

- "Minister." (a) "Minister" shall mean the Minister of Lands and Forests;
- "Regulations." (b) "Regulations" shall mean regulations made under the authority of this Act; 1917, c. 54, s. 2 (a, b).
- "Department." (c) "Department" shall mean Department of Lands and Forests;
- "Owner." (d) "Owner" shall include locatee, purchaser from the Crown, assignee, occupant, timber licensee, and any person having the right to cut timber and wood upon any land. 1924, c. 71, s. 2.

Proclamation of fire districts. **2.**—(1) The Lieutenant-Governor in Council may by proclamation declare any part of Ontario described in the proclamation a fire district.

Publication (2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after publication, be a fire district within the meaning of this Act.

Revocation. (3) The Lieutenant-Governor in Council may by proclamation declare that such part of Ontario shall no longer be a fire district. 1917, c. 54, s. 3.

Provincial Forester, appointment of. **3.** The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a Provincial Forester for the purpose of carrying out the provisions of this Act and the regulations. 1917, c. 54, s. 4.

Duties. **4.** The Provincial Forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. 1917, c. 54, s. 5.

Officers for enforcement of Act. **5.** The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. 1917, c. 54, s. 6.

Arrangements with owner for additional fire protection. **6.**—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land, in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

(2) Every such appointment shall be made or approved Appointments. by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

(3) Every person appointed under subsection 1 shall be Payment of extra rangers. paid by the owner of the land such salary or other remuneration as the Minister may direct or approve.

(4) In this section the word "owner" shall include a "Owner." timber licensee and any person having the right to cut timber or pulp wood upon any lands. 1918, c. 45, s. 2.

7.—(1) Subject to the regulations the period from the Close season in fire districts. 1st day of April to the 30th day of September in each year shall be known as the close season in respect to the setting out of fire. 1917, c. 54, s. 7 (1); 1924, c. 71, s. 3.

(2) During the close season no person shall set out fire Setting out fire in close season. in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. 1917, c. 54, s. 7 (2).

8. Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence and shall incur a penalty of not less than \$25 and not more than \$300 for each such offence. 1917, c. 54, s. 8; 1924, c. 71, s. 4. Setting out fire contrary to regulations.

9. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,— Regulations.

(a) for extending the close season for any or all of the Extending close season. fire districts in any year to such date as may be deemed necessary;

(b) for granting permits for the use of fire within any Permits. fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;

(c) prescribing the circumstances and conditions under As to setting out or use of fire. which fire may be set out or used for any such purposes without the issue of a permit therefor;

(d) regulating the use of fire out of doors for cooking Use of fire out of doors. or obtaining warmth;

- Fire guards, etc. (e) providing for the making of fire guards and the taking of other precautionary measures when, owing to drought or other circumstances, the Minister deems danger from fire to any town or settlement especially imminent;
- Accumulation of inflammable material. (f) regulating or preventing the piling or accumulation of brushwood, debris and other inflammable material;
- Destruction and disposal of inflammable material. (g) empowering the Provincial Forester, or any officer or servant of the Department to enter upon the lands of any corporation or individual for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of such work shall be borne by such individual or corporation and be recoverable by action at the suit of the Minister;
- Protective appliances on engines, etc. (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation;
- Collection of cost. (i) providing for the collection of the cost of any work done under the authority of this Act by the Provincial Forester, or any officer of the Department or of a municipal corporation;
- Prescribing penalties. (j) prescribing penalties for the violation of the regulations;
- General. (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. 1917, c. 54, s. 9.

Powers of Provincial Forester as to clearing up land.

10.—(1) Wherever the Provincial Forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in the opinion of the Provincial Forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of work.

(2) The cost of any work done by the Provincial Forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Provincial Forester by action in any court of competent jurisdiction.

(3) Any person who neglects or refuses to carry out any order or direction given by the Provincial Forester or any officer acting under the authority of subsection 1 shall incur a penalty of \$50. 1917, c. 54, s. 10.

11.—(1) During the close season in any year it shall be unlawful for any person or corporation in a fire district,

(a) to use or operate within a quarter of a mile of any forest slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

Using
engines
without
prescribed
safeguards.

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations.

Destroying
waste, etc.,
without
spark
arresters.

(2) No such railway company shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose.

Dropping
fire or live
coals.

(3) Any person offending against any of the provisions of this section shall incur a penalty of \$100. 1917, c. 54, s. 11 (1-3).

Penalty.

(4) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Provincial Forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. 1917, c. 54, s. 11 (4); 1927, c. 28, s. 31.

Injunction.

12. It shall be the duty of every engineer in charge of any engine to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall incur a penalty not exceeding \$25. 1917, c. 54, s. 12.

Duty of
engineer.

Action by
municipality
in district.
Complaint to
Provincial
Forester.

13.—(1) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the Provincial Forester.

Enquiry
into com-
plaint.

(2) The Provincial Forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

Notice to
owner to
clean up
land.

(3) Where the Provincial Forester finds that cause for complaint exists owing to the unfinished clearing of land, the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the Provincial Forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Default of
owner—
work done
by cor-
poration.

(4) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Recovery of
expenses
where land
is patented
in organized
territory.

(5) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head and clerk of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of seven per centum per annum.

Where land
is patented
in un-
organized
territory.

(6) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 5 under the hand of the reeve or other head of the corporation and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of seven per centum per annum from the date of the declaration.

(7) Upon the registration or filing of the declaration mentioned in subsections 5 and 6, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner provided for in the regulations. Effect of registration.

(8) In this section "owner" shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant. "Owner," meaning of. 1917, c. 54, s. 13.

14.—(1) Upon information being received by the reeve of a township or, in the absence of the reeve, the deputy reeve next in authority to the reeve of such township, that a timber or forest fire in such township is in progress and is hazardous; said reeve, or deputy reeve, as the case may be, shall make inquiry as to said fire and if, in his opinion, such fire is hazardous, he shall employ or summon the assistance of such male persons between the ages of eighteen and sixty, resident in such township, excepting only railway trainmen, telegraphers and despatchers on duty, doctors and persons physically unfit, as in his judgment may be necessary or available for the purpose of fighting and extinguishing such fire. Duty of reeve as to summoning assistance at fires.

(2) The municipal council of such township may pass a by-law fixing the amount of the remuneration to be paid to the persons so employed for the services rendered by them, and in the absence of such by-laws such remuneration shall be made therefor as in the judgment of the judge of the county or district in which such township is situate is reasonable and just. 1925, c. 71, s. 2. Remuneration of persons assisting.

15.—(1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission. Constables, justices of the peace, appointment of.

(2) The minister may appoint one or more constables for a period not exceeding six months, for the carrying out of the provisions of this Act. Appointment of temporary constables.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint. Arrests without warrant.

Right to
summon
assistance
at fires.

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty, excepting only trainmen, telegraphers and despatchers on duty, doctors and persons physically unfit.

Penalty for
refusing to
assist.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section shall be guilty of an offence and shall upon summary conviction incur a penalty of not less than \$25 and not exceeding \$300 for such offence. 1924, c. 71, s. 5.

Burning
matches,
ashes, etc.

16. Any person who throws or drops any burning match, ashes of a pipe, lighted cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall incur a penalty not exceeding \$50. 1917, c. 54, s. 15.

Right of
Provincial
Forester
to enter on
premises.

17. The Provincial Forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence and shall incur a penalty not exceeding \$50. 1917, c. 54, s. 16.

Destroying
or effacing
notices.

18.—(1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence and shall incur a penalty not exceeding \$25. 1917, c. 54, s. 17.

Penalty for
interfering
with fire-
fighting
equipment.

(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence and shall incur a penalty of not less than \$25 and not exceeding \$300 for each such offence. 1924, c. 71, s. 6.

Penalty for
neglecting to
protect
against fire.

19. Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence and for each such offence shall incur a penalty of not less than \$25 and not more than \$300, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default and the amount of such expense shall be recoverable with costs in an action brought by the Crown. 1924, c. 71, s. 7, *part*.

20.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits.

Destruction of refuse on clearing land for highway.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall immediately pile and, subject to the requirements of this Act concerning permits, burn the same.

Clearing away inflammable matter near right-of-way.

(3) No person shall fell or permit to be felled trees or brush in such a manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

Timber to be cut to fall on owner's land.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the Provincial Forester, or other officer of the Department, be required.

Clearing in neighbourhood of mills, etc.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control.

Accumulation of inflammable refuse.

(6) Every person who violates any of the provisions of this section shall be guilty of an offence and for each such offence shall incur a penalty of not less than \$25 and not more than \$300. 1924, c. 71, s. 7, *part*.

Penalty.

21.—(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

Permit to travel in forest area.

(2) Such permit, called "travel permit," may be obtained without charge from the fire ranger of the place or from any other authorized person.

Issue of permit.

(3) Except as provided in subsection 4 hereof, no person shall travel about in such defined area without having previously obtained a permit.

Entering area without permit.

(4) The holder of a hunting, guides', fishing or mining license shall not be required to obtain a travel permit but

Owners of other licenses not to require permits.

he shall produce his license whenever required by any fire ranger so to do, and shall give to any fire ranger on demand such information as to the routes followed and proposed to be followed by him and as to his camps and proposed camps and otherwise as the fire ranger may require.

Imprison-
ment.

(5) Every person who violates any of the provisions of this section shall be guilty of an offence and for each such offence shall incur a penalty of not less than \$25 and not more than \$300. 1924, c. 71, s. 7, *part*.

Information
to be given
to fire
rangers by
tourists, etc.

22. Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence and for each such offence shall incur a penalty of not less than \$25 and not more than \$300. 1924, c. 71, s. 7, *part*.

Imprison-
ment.

23. Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. 1924, c. 71, s. 7, *part*.

Right of
action for
damages
not affected.

24. Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. 1917, c. 54, s. 18.

Recovery of
penalties.
Rev. Stat.
c. 121.

25. The penalties imposed by this Act and the regulations shall be recoverable under *The Summary Convictions Act*. 1917, c. 54, s. 19.
